रजिस्ट्री सं० डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 33] नई दिल्ली, बुधवार, जुलाई 23, 1975/श्रावण 1, 1897
No. 33] NEW DELHI, WEDNESDAY, JULY 23, 1975/SRAVANA 1, 1897

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 23rd July, 1975

BILL No. 52 OF 1975

A Bill further to amend the Maintenance of Internal Security Act, 1971.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Maintenance of Internal Security (Amendment) Act, 1975.

(*2*) Section 7 shall be deemed to have come into force on the 25th day of June, 1975 and the remaining provisions of this Act shall be deemed to have come into force on the 29th day of June, 1975.

Amendment of section 4.

26 of 1971. **2.** In section 4 of the Maintenance of Internal Security Act, 1971 (hereinafter referred to as the principal Act), for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898. 2 of 1974.

Amendment of section 7.

3. In section 7 of the principal Act,—

(*a*) in clause (*a*) of sub-section (*1*), for the words and figures "Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898", the words, figures and brackets "Metropoli-

5 of 1898.

tan Magistrate or a Judicial Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 82 to 86 (both inclusive) of the Code of Criminal Procedure, 1973" shall be substituted; 2 of 1974.

(*b*) in sub-section (*2*), for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted. 5 of 1898. 2 of 1974.

Amendment of section 14.

4. In section 14 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) The revocation of a detention order shall not bar the making of another detention order under section 3 against the same person.".

Amendment of section 15.

5. In section 15 of the principal Act,—

(*a*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*3A*) If the appropriate Government has reason to believe that any person who has failed to surrender himself in the manner specified in sub-section (*3*) has absconded or is concealing himself, that Government may make a report in writing of the fact to a Metropolitan Magistrate or a Judicial Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides and thereupon the provisions of sections 82 to 86 (both inclusive) of the Code of Criminal Procedure, 1973, shall apply in relation to such person as they apply in relation to a person who has absconded or is concealing himself so that a warrant issued by the Magistrate cannot be executed."; 2 of 1974.

(*b*) after sub-section (5), the following sub-section shall be inserted, namely:—

"(*6*) Notwithstanding anything contained in any other law and save as otherwise provided in this section, no person against whom a detention order made under this Act is in force shall be released whether on bail or bail bond or otherwise.".

Insertion of new section 16A.

6. After section 16 of the principal Act, the following section shall be inserted, namely:—

Special provisions for dealing with emergency.

'16A. (*1*) Notwithstanding anything contained in this Act or any rules of natural justice, the provisions of this section shall have effect during the period of operation of the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 3rd day of December, 1971, or the Proclamation of Emergency issued under that clause on the 25th day of June, 1975, or a period of twelve months from the 25th day of June, 1975, whichever period is the shortest.

(*2*) The case of every person (including a foreigner) against whom an order of detention was made under this Act on or after the 25th day of June, 1975, but before the commencement of this section, shall, unless such person is sooner released from detention, be

reviewed within fifteen days from such commencement by the appropriate Government for the purpose of determining whether the detention of such person under this Act is necessary for dealing effectively with the emergency in respect of which the Proclamations referred to in sub-section (*1*) have been issued (hereafter in this section referred to as the emergency) and if, on such review, the appropriate Government is satisfied that it is necessary to detain such person for effectively dealing with the emergency, that Government may make a declaration to that effect and communicate a copy of the declaration to the person concerned.

(*3*) When making an order of detention under this Act against any person (including a foreigner) after the commencement of this section, the Central Government or the State Government or, as the case may be, the officer making the order of detention shall consider whether the detention of such person under this Act is necessary for dealing effectively with the emergency and if, on such consideration, the Central Government or the State Government or, as the case may be, the officer is satisfied that it is necessary to detain such person for effectively dealing with the emergency, that Government or officer may make a declaration to that effect and communicate a copy of the declaration to the person concerned:

Provided that where such declaration is made by an officer, it shall be reviewed by the State Government to which such officer is subordinate within fifteen days from the date of making of the declaration and such declaration shall cease to have effect unless it is confirmed by the State Government, after such review, within the said period of fifteen days.

(*4*) The question whether detention of any person in respect of whom a declaration has been made under sub-section (*2*) or sub-section (*3*) continues to be necessary for effectively dealing with the emergency shall be reconsidered by the appropriate Government within four months from the date of such declaration and thereafter at intervals not exceeding four months and if, on such reconsideration, it appears to the appropriate Government that the detention of the person is no longer necessary for effectively dealing with the emergency, that Government may revoke the declaration.

(*5*) In making any review, consideration or reconsideration under sub-sections (*2*), (*3*) or (*4*), the appropriate Government or officer may, if such Government or officer considers it to be against public interest to do otherwise, act on the basis of the information and materials in its or his possession without disclosing the facts or giving an opportunity of making a representation to the person concerned.

(*6*) In the case of every person detained under a detention order to which the provisions of sub-section (*2*) apply, being a person the review of whose case is pending under that sub-section or in respect of whom a declaration has been made under that sub-section,—

(*i*) sections 8 to 12 shall not apply; and

(*ii*) section 13 shall apply subject to the modification that the words and figures "which has been confirmed under section 12" shall be omitted.

(7) In the case of every person detained under a detention order to which the provisions of sub-section (3) apply, being a person in respect of whom a declaration has been made under that sub-section,—

(*i*) section 3 shall apply subject to the modification that for sub-sections (3) and (4) thereof, the following sub section shall be substituted, namely:—

"(3) When any order of detention is made by a State Government or by an officer subordinate to it, the State Government shall, within twenty days, forward to the Central Government a report in respect of the order.";

(*ii*) sections 8 to 12 shall not apply; and

(*iii*) section 13 shall apply subject to the modification that the words and figures "which has been confirmed under section 12" shall be omitted.'.

Insertion of new section 18.

7. Section 18 of the principal Act shall be re-numbered as section 19 thereof and before that section as so re-numbered, the following section shall be inserted, namely:—

Exclusion of common law or natural law rights, if any.

"18. No person (including a foreigner) detained under this Act shall have any right to personal liberty by virtue of natural law or common law, if any.".

Repeal and saving.

8. (*1*) The Maintenance of Internal Security (Amendment) Ordinance, 1975 and the Maintenance of Internal Security (Second Amendment) Ordinance, 1975, are hereby repealed. 4 of 1975. 7 of 1975.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinances shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Consequent on the Proclamation of Emergency made by the President on the 25th June, 1975, it became necessary for the Government to arm itself with powers to take certain preventive measures in the interest of the security of the country which was threatened by internal disturbance. It was felt that in respect of persons detained under the Maintenance of Internal Security Act, 1971, for dealing effectively with the emergency, it would be sufficient to provide that their cases should be reviewed at specified intervals. It was also considered necessary to make it permissible to revoke a defective order of detention and issue a fresh order and also to provide that the detenus should not be released on bail.

As a view has been expressed that right to personal liberty exists in natural law or common law, apart from that right being embodied in article 21 of the Constitution, it is considered safer to insert a provision taking away such natural law or common law rights, if any.

The President accordingly promulgated two Ordinances on 29th June, 1975 and 15th July, 1975 to amend the Act. The Bill seeks to replace the two Ordinances aforesaid.

NEW DELHI;
The 18th July, 1975.

K. BRAHMANANDA REDDI.

BILL No. 51 OF 1975

A Bill to authorise Payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Pondicherry for the services of the financial year 1975-76.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Pondicherry Appropriation (No. 2) Act, 1975.

Issue of Rs. 19,80, 37,000 out of the Consolidated Fund of the Union territory of Pondicherry for the financial year, 1975-76.

2. From and out of the Consolidated Fund of the Union territory of Pondicherry there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Pondicherry Appropriation (Vote on Account) Act, 1975] to the sum of 10 of 1975. nineteen crores, eighty lakhs and thirty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76 in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Pondicherry by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
1	Legislative Assembly .	Revenue	4,94,000	*40,000*	5,34,000
2	Administrator . .	Revenue	10,000	*3,96,000*	4,06,000
3	Council of Ministers .	Revenue	5,58,000	..	5,58,000
4	Administration of Justice	Revenue	14,59,000	..	14,59,000
5	Elections . . .	Revenue	4,42,000	..	4,42,000
6	Revenue . . .	Revenue	48,04,000	..	48,04,000
7	Sales Tax . . .	Revenue	7,65,000	..	7,65,000
8	Taxes on Vehicles .	Revenue	1,62,000	..	1,62,000
9	Secretariat . . .	Revenue	20,96,000	..	20,96,000
10	District Administration .	Revenue	43,68,000	..	43,68,000
		Capital*	10,30,000	..	10,30,000
11	Treasury and Accounts Administration . .	Revenue	14,07,000	..	14,07,000
12	Police . . .	Revenue	79,00,000	..	79,00,000
13	Jails . . .	Revenue	4,03,000	..	4,03,000
14	Stationery and Printing .	Revenue	12,51,000	..	12,51,000
15	Miscellaneous Administrative General Services . . .	Revenue	8,76,000	..	8,76,000
16	Retirement Benefits .	Revenue	22,18,000	..	22,18,000
17	Public Works . .	Revenue	2,10,45,000	*10,000*	2,10,55,000
		Capital	1,36,50,000	..	1,36,50,000
18	Education . . .	Revenue	3,31,71,000	..	3,31,71,000
		Capital	32,000	..	32,000
19	Medical . . .	Revenue	1,70,73,000	..	1,70,73,000
20	Information and Publicity . . .	Revenue	8,61,000	..	8,61,000
21	Labour and Employment	Revenue	12,53,000	..	12,53,000
22	Social Welfare . .	Revenue	54,62,000	..	54,62,000
		Capital	30,000	..	30,000
23	Co-operation . .	Revenue	18,00,000	..	
		Capital	12,77,000	..	12,77,000
24	Miscellaneous General Economic Services .	Revenue	7,98,000	..	7,98,000

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
25	Agriculture . . .	Revenue	88,81,000	..	88,81,000
		Capital	5,84,000	..	5,84,000
26	Animal Husbandry . .	Revenue	17,25,000	..	17,25,000
		Capital	2,00,000	..	2,00,000
27	Fisheries . . .	Revenue	45,01,000	..	45,01,000
		Capital	51,000	..	51,000
28	Community Development . . .	Revenue	36,53,000	..	36,53,000
		Capital	84,000	..	84,000
29	Industries . . .	Revenue	9,06,000	..	9,06,000
		Capital	12,51,000	..	12,51,000
30	Food and Nutrition .	Revenue	2,95,000	..	2,95,000
31	Electricity . . .	Revenue	2,03,58,000	..	2,03,58,000
		Capital	91,59,000	..	91,59,000
32	Ports and Pilotage .	Revenue	4,53,000	..	4,53,000
		Capital	2,93,000	..	2,93,000
33	Public Debt . . .	Revenue	..	75,47,000	75,47,000
		Capital	..	80,89,000	80,89,000
34	Loans to Government Servants . . .	Capital	28,66,000	..	28,66,000
	TOTAL . .		18,19,55,000	1,60,82,000	19,80,37,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of section 29(1) of the Government of Union Territories Act, 1963 and the order of the President issued on 28th March, 1974 under section 51 of that Act to provide for the appropriation out of the Consolidated Fund of the Union territory of Pondicherry of the moneys required to meet expenditure charged on the Consolidated Fund and the grants made by the Lok Sabha for the expenditure of the Union territory of Pondicherry for the financial year 1975-76.

PRANAB MUKHERJEE

S. L. SHAKDHER,
Secretary-General.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1975